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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/826,640	04/15/2004	Ming-Jong Wang	22877-5043	1423
25213	7590	04/07/2006	EXAMINER	
HELLER EHRMAN LLP 275 MIDDLEFIELD ROAD MENLO PARK, CA 94025-3506			HAYES, BRET C	
			ART UNIT	PAPER NUMBER
			3641	

DATE MAILED: 04/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/826,640	WANG, MING-JONG	
	<b>Examiner</b>	<b>Art Unit</b>	
	Bret C. Hayes	3641	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. ____.  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>10 MAY 05</u> .   | 6) <input type="checkbox"/> Other: ____.                                    |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 112*

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1 – 20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

3. Claims 1 and 15 recite the limitations “at least one of which span-thickness ratio is greater than 50”, which is unclear for at least two reasons. 1. At least one of which what? Examiner presumes “said panels” and suggests such to amend the claims. 2. A ratio is more commonly understood to be 50 *to* some other number, such as 50:1, for example. Because the specification describes the relationship as L : t, it is further presumed that this ratio is 50:1. However, neither of these limitations appear to be clear within the claims.

Further, the claims recite the limitation “...rotate the member itself like a hinge”, which would appear to be unclear as a hinge, while being functionally responsible for a door rotating about the axis of a hinge, for example, is generally not considered to be in rotation itself.

Further still, pronouns such as “itself” and “its” should be avoided for clarity purposes throughout the entirety of the claims.

4. Claim 2 recites the limitation “connected each other” which is unclear.

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5. Claim 3 recites the limitation “each of said plastically stretched connecting members”, which lacks antecedent basis as the base claim recites “at least one...” Examiner suggests --the at least one-- replace “each”.

6. Claim 5 recites the limitation “at least one layer...has an arcuate cross-section constituted by line segments”, which is unclear as ‘a line’ has no dimension and therefore cannot be a constituent of anything in the real world.

7. Claim 8 recites the limitation “their”, which, as indicated above with respect to claims 1 and 15, should be avoided for clarity. Further, the claim recites “the whole cargo container”, which lacks antecedent basis in the claims.

8. Claim 9 recites “its” – see above – and “one of its surrounding said side panels”, which is awkward English at best. Examiner suggests replacing with --one surrounding side panel--.

9. Claim 11 recites “The connecting members”, which should be --The...container-- and --,wherein the ductile material of plastically stretched connecting members--, for clarity.

10. Claim 12 recites the limitation “said side panel”, which is unclear as the base claim recites side panels.

11. Claims 14, see above with respect to ratios. Further, as best understood, the claim should read --the side panels being made of a material *less* ductile than the plastically stretched members--, for example. The reason being that a brittle material, as generally understood, would shatter upon an explosion from within the container, like glass, for example. This could perhaps be rejected under 101 or 1<sup>st</sup> paragraph of 112, but examiner believes to understand the intent.

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12. Further, claim 15 recites the limitation “said perimeter bars”, which lacks antecedent basis as “at least one perimeter bar” only is previously recited. While ‘at least one’ opens the possibility to more than one, it does not explicitly state a plurality.

13. Claim 16 recites “said perimeter bars” – see above.

14. Claim 19 is similar to claim 11 and should be handled accordingly.

15. Claim 20 is similar to claim 9 and should be handled accordingly.

***Allowable Subject Matter***

16. Claims 1 and 15 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

17. Claims 2 – 14 and 16 – 20 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

18. The following is a statement of reasons for the indication of allowable subject matter: the prior art of record neither discloses nor fairly teaches the recited limitations of the claimed invention including, but not limited to: multiple side panels of the specific span-thickness ratio, multiple connecting members, at least one plastically stretched connecting member with a curve cross-section securely mounted between two adjacent side panels.

19. This statement is not intended to necessarily state all the reasons for allowance or all the details why the claims are allowed and has not been written to specifically or impliedly state that all the reasons for allowance are set forth (MPEP 1302.14).

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***Conclusion***

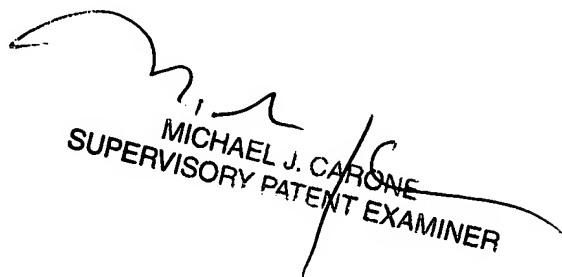
Any inquiry concerning this communication should be directed to Bret Hayes at telephone number (571) 272 – 6902 or email address [bret.hayes@uspto.gov](mailto:bret.hayes@uspto.gov). The examiner can normally be reached Monday through Thursday from 5:30 am to 4:00 pm, Eastern Standard Time.

The Central FAX Number is **571-273-8300**.

If attempts to contact the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Carone, can be reached at (571) 272 – 6873.

bh

1-Apr-06

  
MICHAEL J. CARONE  
SUPERVISORY PATENT EXAMINER